

**REPORT ON
HOUSE CONCURRENT
RESOLUTION 1004
TEENAGE IN-VEHICLE
DRINKING AND DRUG USE**

JANUARY 2003

SUMMARY OF RECOMMENDATIONS RELATED TO HCR 1004

Recommendations for Prevention and Education

- 1) Prevention efforts need to begin earlier
- 2) Make ATOD (Alcohol, Tobacco and Other Drugs) education part of the core school curriculum that would support the content standards.
- 3) Need ongoing training for prevention specialists
- 4) Schools are the ideal environment to provide prevention services
- 5) Any successful prevention education must involve family and have community support.
- 6) Incorporate prevention education messages as part of the DOT's electronic signs/billboards.
- 7) Develop relationships with the Reservations (professionals).
- 8) Develop a Prevention Sub-Committee of the Division of Alcohol/Drug Abuse Advisory Council. The current Council is appointed by the Governor and includes the majority of the State agencies involved in prevention services. Agencies that are not part of the Council at this time are DOT and Dept. of Commerce and Regulation. The plan would be to add representatives from these agencies to the Council. Duties of the Council would include:
 - a. All items listed above
 - b. Have a direct responsibility in establishing statewide goals
 - c. Have direct input on projects to be funded
 - d. Establish outcome targets
 - e. Report yearly to Governor on status of programming
 - f. Make recommendations on programs to fill gaps. The make up of the State Coordinating Council would be representations of State agencies that fund the prevention services

Recommendations for Media

- 1) Start building relationships with media
- 2) Develop statewide media campaign that promotes statewide prevention goals.

Recommendations for Enforcement

- 1) Continue funding at current levels of anti-drinking/driving efforts
- 2) Increase the visibility of alcohol and drug issues within local communities

Recommendations for Treatment System

- 1) Develop a prevention and treatment continuum that targets youth who use methamphetamines.

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HCR 1004

I. Background of juvenile in-vehicle drinking and drug use

In 1997, the Division of Alcohol and Drug Abuse (DADA) through a contract with Research Triangle Institute examined the demand and need for alcohol and other drug treatment among South Dakota's school aged population. The findings of the report provided estimates for the following: (a) the prevalence and correlates of alcohol and illicit drug use; (b) the need for treatment or intervention for alcohol and illicit drug use; and (c) the co-occurrence of substance abuse and other findings. What follows are key findings from this study:

1. Heavy alcohol use was reported by 25% or 11,100 youth, and risky drug use was reported by 31% or 14,100 youth.
2. A significant proportion of South Dakota's students reported having problems in the past year that resulted from their use of alcohol or other drugs. Approximately 54% of the students reported having a least one of three alcohol-related problems, and 37% indicated experiencing two or more of these problems.
3. About 55% of South Dakota's student's grades 9 through 12, or an estimated 24,900 youth were in need of some level of treatment or early intervention services.
4. About 11% of the youth in need of treatment or intervention services, or about 2,600 students, indicated ever-receiving services for their substance use.

DADA in conjunction with the Department of Education and Cultural Affairs (DECA), jointly fund the Youth Risk Behavior Survey which has been conducted since 1991. Both DADA and DECA also provide funding for the Native American Middle and High School Youth Risk Behavior Survey Report. This survey was conducted in 1997 and 2000. Both of these reports detail the high-risk behavior South Dakota youth are becoming involved in.

The Division also participates in the Kid's Count project which assesses youth at risk behavior at the county level, and identifies by county the number of youth receiving alcohol and drug services.

II. Prevention/Education

A. Existing Programs by State Agencies

1. Department of Health

- a) Update every other year Youth Risk Behavior Survey display board materials for use by Community Health Services staff across the state to educate communities on not only the risk factors affecting SD youth but also the relationship among them. Distribute copies of the Youth Risk Behavior Survey to health related providers across the state.

- b) Provide funding to help support comprehensive health education curriculums in 89 schools across the state.
- c) Complete every five years and update annually, a comprehensive Maternal & Child Health Needs Assessment specifically focused on the adolescent population.
- d) Tobacco Prevention Initiatives
 - 1) South Dakota is served by six Tobacco Prevention Coordinators; a Coordinator for the Legacy program; Youth Movement Against Tobacco Use; a Tobacco Media Coordinator; a Program Coordinator, and a Project Director. The Tobacco Media Coordinator is located in Sioux Falls. The Program Coordinator and Project Director operate from the Department of Health Central office in Pierre. The Tobacco Prevention Coordinators (TPC) are contract employees located in five regions across the State. The TPCs provide leadership in their region for tobacco prevention activities. The TPCs facilitate numerous local community coalitions in their region and assist with youth tobacco prevention groups. The TPCs also work with schools and healthcare providers to provide tobacco prevention information. The TPCs act as a resource for their region providing brochures, fact sheets, books, videos, school curriculum, presentations, and other resource information.
 - 2) In November 2001, the Department of Health selected four communities as pilot sites to help evaluate different tobacco control approaches and determine interventions that should be effective in South Dakota. The communities -- Lower Brule, Parkston, Spearfish and Watertown -- represent various sizes and geographic areas of the state, as well as its cultural makeup. Between January 2002 and July 2003 the communities will work with the state on a wide range of tobacco prevention efforts i.e. use of effective school-based curriculums, encouraging tobacco-free policies, forming local coalitions to address local needs, promoting smoking cessation programs, and reducing the exposure of non-smokers to tobacco smoke.
 - 3) The Quit Line is a collaborative effort between the South Dakota Department of Health and the American Cancer Society. The Quit Line is a toll-free number for South Dakota tobacco users who need information or help with quitting. Trained cessation counselors assess each caller's situation and tailor a program to fit their individual needs. Written materials and cessation products are also available to Quit Line participants. Counselors schedule regular follow-up calls over several weeks to offer support. Quit rates are evaluated through a series of follow-up methods, including calls to participants at approximately 3, 6, and 12 months after their quit date.

2. Department of Human Services - Division of Alcohol/Drug Abuse

a) Primary Prevention Activities

- 1) Prevention Resource Centers: located in Rapid City, Sioux Falls and Watertown. Their responsibilities include: technical assistance to schools and communities on alcohol, drug and violence prevention programming; provide information and training on FAS; provide information and training on Student Assistance Programs; conduct school site reviews to assure school districts compliance with the provisions of the Principals of Effectiveness mandated by the Department of Education.
- 2) Community Mobilization programs: there are 15 Community Prevention Networkers working at 13 sites across the State. Their responsibilities include: conduct local alcohol, drug and violence needs assessments to determine the extent of the problem in the local community; work with individual communities in the establishment of local coalitions and a plan to address individual community's alcohol, drug and violence problems; work on changing local policy regarding alcohol, drug and violence issues; work in the individual communities to increase the awareness of substance use/abuse issues; develop outcome based primary prevention programming in target communities.

b) Secondary Prevention Activities

- 1) 10-Hour Primary Prevention Program: research based curriculum that is standardized on youth involved with the Criminal Justice System; available in all 7 Circuit Courts in the State of South Dakota; juveniles enter the program based on the results obtained on a standardized screening tool; program has a family education program as a component; in FY 02 a total of 1,499 youth attended this level of service; a week long training is required before an individual can teach the curriculum.
- 2) 30-Hour Intensive Prevention Program: research based standardized on the criminal justice involved population; available on a statewide basis; extensive family component; juveniles enter the program based on the results of a standardized screening tool; a week long training is required before an individual can teach the curriculum; the final outcome of the project is a DSM IV assessment of adolescents alcohol and drug use patterns; in FY02, a total of 675 youth have been involved in this program.
- 3) 19-20 year old Diversion Program: 8-hour curriculum geared towards young adults with alcohol related offenses; research based; prior facilitators training on the model is required;

available on a statewide basis; in FY02, a total of 1,198 19-20 year olds have attended this program

- 4) School based Programming: program is funded by the City of Sioux Falls, the Sioux Falls School District, and the Division of Alcohol and Drug Abuse; Chemical Dependency prevention and treatment specialists are placed within the Schools; the types of services provided include: classroom presentations, crisis intervention services, diversion programming for those youth who violate school policy relating to alcohol and drug use, referral services, and specialized prevention groups for high risk kids.
- 5) Rapid City School Project: A program funded in cooperation with the City of Rapid City, the Division of Alcohol and Drug Abuse and Office of Highway Safety. The Rapid City Area Schools are seeking to obtain a “bundled” package of services to prevent and reduce the use of alcohol, tobacco and other drugs by Rapid City area youth. The service provider will be expected to make available a wide variety of prevention services in the Rapid City Area Schools that meet Safe and Drug Free School Program funding requirements.

3. Department of Commerce & Regulation – Highway Safety

- a) Safe Community Program: The Office of Highway Safety through a grant from the Department of Justice funds the Safe Community Program through the SD Department of Health under the Office of Emergency Medical Services. The Safe Community program works at the grass roots level in communities to enhance public knowledge and heighten awareness of the magnitude of underage drug and alcohol use. Public education is conducted through local media, school functions and PSA's. Community activities are developed to educate and/or implement interventions designed to deter the availability and use of drugs and alcohol. A strong emphasis is placed on community as well as youth involvement. By implementing a grass roots program at the community level, we are experiencing a stronger buy-in from citizens within the communities. A key component to the Safe Community program is partnering with local law enforcement to provide heightened enforcement efforts to be utilized in conjunction with educational promotions. To date Safe Community programs have been limited to small pockets throughout the state with very limited statewide recognition and/or support for their underage drug and alcohol intervention strategies.

4. Attorney General's Office

- a) The South Dakota Drug Abuse Resistance Education (D.A.R.E.) program completed its fourteenth year of instruction for South Dakota youth in June 2002. Law Enforcement Training under the Office of

Attorney General supports D.A.R.E. The 17-lesson Core Curriculum was presented to 8,037 students. There were an additional 3,668 students who participated in the K-4, Junior High, or Senior High Programs making a total student count of 11,705. One hundred seventy-six instructors from 76 different types of agencies taught in 236 schools in 119 South Dakota communities. The grand total of students reached since 1988 is 161,018.

- b) Fatal Vision Goggles are loaned out to law enforcement agencies or schools for education purposes. They are used as a tool to demonstrate the effects of drinking on an individual's coordination and is part of a anti-drinking/driving campaign.

B. Existing Programs by Private Entities

1. Teen Court

- a) The first Teen Court was established in Lawrence County in October 1995. At that time, there were approximately 73 teen courts in the nation. To date, there are over 800 active youth courts in the United States in 48 states. Our program has processed over 700 cases since inception and has continually operated with a 93- 94% success rate. Due to the success of the Teen Court program, last year we were asked to develop a program for second time offenders.
- b) Teen Court goals consist of: assisting teen offenders in recognizing that they are responsible for their behavior; that the consequences they experience are a direct result of their own actions; promote a positive attitude toward authority by showing respect, courtesy, confidentiality and dignity to all individuals; provide a forum for teens to experience the judiciary system and, in the process, reduce the likelihood of youth committing repeat offenses; and establish positive relationships between the community and its youth, the results of which are better understanding and communication.
- c) To be eligible for Teen Court, a juvenile will be referred from the States Attorney's office. The offender's acceptance of Teen Court's services will be strictly voluntary and available only to those who plead guilty. All functions in the Teen Court courtroom, except that of the Judge, are to be carried out by teens, including the prosecuting attorney, defense attorney, court clerk, court bailiff and all jurors. The Judge is a volunteer attorney that sits on the bench. Sentences recommended by the Teen Jury may include community service tasks, serving as a teen juror, restitution, and participation in the Life Skills classes offered by the Teen Court program. Sentences will vary in length of commitment in accordance with the severity of the case, but cannot last longer than 90 days. Upon completion of the Teen Court sentence contract, the case will be dismissed. Each teen offender will pay a \$20.00 court cost. All offenders brought into the teen court program with a drug/alcohol charge MUST complete a prevention/education program as presented by a certified chemical

dependency counselor. All youth who are brought before the court on a tobacco charge MUST complete a tobacco class.

- d) Teen Court is a voluntary program that assists teenage offenders in assuming responsibility for their behavior through involvement in the judicial process and service in the community. First time offenders are brought before a jury of their peers where they are sentenced to constructive service and from this they gain an understanding of their roles in society. Teen court has been established to add a new concept of diversion and accountability for our juvenile offenders. Young people participating in the program will function as constructive and contributing members of their community. The program seeks to minimize the negative labeling of referred youth.

2. STOP

S.T.O.P. (Second Time Offender Program) started in January 2000 and operates with an 88-89% success rate. All individuals who attend the STOP program appear in front of a grand jury model (again, all youth personnel) and can be requested to complete community service, jury duty, restitution, apologies to victims and must attend 12 hours of classes as provided by the Teen Court program. All STOP participants brought before the Court on alcohol/drug charges are mandated to obtain an evaluation by a certified chemical dependency counselor and abide by the recommendation.

C. Opinions

1. Need to establish a State prevention plan that coordinates the efforts of all agencies.
2. Most prevention/education programs statewide need to get to the general public earlier.
3. Education targets the youth after age initiation begins (schools), should target youth prior to use.
4. Limited knowledge of the programs by the general public.
5. Multiple programs and definitions of prevention in different agencies but programs have the same goals.
6. All programs have the same goal to improve the lives of juveniles.
7. There are individual programs with outcomes but no statewide program with outcomes.

D. Recommendations

1. Prevention efforts need to begin earlier
2. Make ATOD (Alcohol, Tobacco and Other Drugs) education part of the core school curriculum that would support the content standards.
3. Need ongoing training for prevention specialists.
4. Schools are the ideal environment to provide prevention services.
5. Any successful prevention education must involve family and have community support.

6. Incorporate prevention education messages as part of the DOT's electronic signs/billboards.
7. Develop relationships with the Reservations (professionals).
8. Develop a Prevention Sub-Committee of the Division of Alcohol/ Drug Abuse Advisory Council. The current Council is appointed by the Governor and includes the majority of State agencies involved in prevention services. Agencies that are not part of the Council at this time are DOT and Dept. of Commerce and Regulation. The plan would be to add representatives from these agencies to the Council. Duties of the Council would include:
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III. Media

A. Drug-Free Campaign

The goal of the Partnership for a Drug-Free America is to reduce the demand for illegal drugs in America by changing the attitude through advertising. The mission of the Partnership for a Drug-Free South Dakota Partnership is to generate and sustain a high level of interest in prevention education to reduce the demand for illegal drugs here in South Dakota. By using the media materials created by the Partnership and tailoring these media materials to fit our needs in South Dakota we can strengthen the anti-drug attitudes of youth and adults in South Dakota. Our state goals include: saturating the media market with anti-drug messages; reinforcing the attitudes of "no use" of illegal drugs for children and young teens; disseminating information that help define the drug use problem in South Dakota for the benefit of local leaders, policy makers, and the school system; and increase knowledge about the relative importance of attitudes that drive perception of risk and social disapproval in affecting high-risk drug behavior. Our state partnership will utilize the two largest communities, Sioux Falls and Rapid City to disseminate the television media material and disseminate all other material utilizing all of the community prevention networks through out the state.

B. Opinions

1. The use of media is under-developed.

C. Recommendations

1. Start building relationships with media.

2. Develop statewide media campaign that promotes statewide prevention goals.

IV. Enforcement

A. Existing law enforcement by Department of Commerce & Regulation

1. Department of Commerce & Regulation – Drivers Licensing

DRUG & ALCOHOL SUSP/REV FROM 1999-PRESENT

	Conviction Type	1999	2000	2001	2002 to date
BOOZ	Alcohol by minor under 21- Driver of a motor vehicle (BOOZ)	435	315	227	286
DRUG	Drugs in a motor vehicle	193	296	NA	603
ZTL	Zero Tolerance - Under 21 driver with .02% or higher BAC	218	133	176	207
ZTL	Zero Tolerance - Under 21 Refusal Revocation	28	11	19	19
R10	Sell/Provide alcohol to 18-20 year olds - prior to 7/01/01 (Rev)		86	93	0
R11	Sell/Provide alcohol to minors under 18 - prior to 7/01/01 (Rev)		10	0	0
R12	Minors with alcohol possession/consumption - prior to 7/01/01 (Rev) - 1st Offense		1261	958	0
R13	Minors with alcohol possession/consumption - prior to 7/01/01 (Rev) - 2nd or sub.		43	269	0
R15	Sell/Provide alcohol to minors under 18 - after 7/01/01 (Rev) - 1st Offense			27	42
R16	Sell/Provide alcohol to minors under 18 - after 7/01/01 (Rev) - 2nd or sub.			0	3
S15	Sell/Provide alcohol to 18-20 year olds - after 7/01/01 (Sus) - 1st Offense			49	98
S16	Sell/Provide alcohol to 18-20 year olds - after 7/01/01 (Sus) - 2nd or sub.			1	1
S17	Minors with alcohol possession/consumption - after 7/01/01 (Sus) - 1st Offense			1776	2737
S18	Minors with alcohol possession/consumption - after 7/01/01 (Sus) - 2nd or sub.			334	886

** The drugs in a motor vehicle are for all ages not just those individuals under 21.

** Court Ordered Suspensions/Revocations for 2000 & 2001 reflect some minor in possession convictions that were treated as a court ordered revocation or suspension

** Court Ordered Suspensions/Revocations 833 955

2. Department of Commerce & Regulation – Highway Safety

- e) The "Enforcing Underage Drinking Laws " program provides financial assistance to communities through alcohol beverage retailers, area law enforcement, youth and the general public to implement local projects designed to prevent minors from obtaining and consuming alcohol.

With assistance from the State Department of Health, communities are working on building grassroots work groups within their community to identify and implement programs to reduce alcohol abuse and accidents associated with juvenile drinking. In South Dakota, drivers under the age of 21 represented less than 11.4% of the total license drivers involved in crashes, yet they were nearly 18% of the drinking drivers involved in fatal and injury motor vehicle crashes. It is statistics like these that have inspired communities involved in these grassroots efforts to identify underage drinking as the major common factor contributing to injuries within their communities. Communities have the opportunity to implement innovative projects that are determined to have the potential of directly impacting locally identified problems relating to underage purchase, possession or consumption of alcohol. Potential community initiatives involve supplying local law enforcement and local agencies with equipment and/or supplies necessary to enhance and enforce the underage alcohol laws such as South Dakota's zero tolerance (.02 BAC) underage drinking law. This grant is utilized in conjunction with federal 402 grant monies to fund: weekend alcohol check-points, educational material, community projects, school based events and activities promoting anti-drug and alcohol projects. In the past year this program has provided funding for 2,845 hours of overtime for law enforcement personnel and has purchased 76 portable breath testing units. The outcome of this program has been an increase in high visibility enforcement resulting in 3,989 DUI arrests and 28 alcohol related warning citations.

B. Opinions

1. Law Enforcement is doing a good job in enforcing laws related to youth use of alcohol and drugs.

C. Recommendations

1. Continue funding at current levels of anti-drinking/driving efforts.
2. Increase the visibility of alcohol and drug issues within local communities.

V. Legislature

A. Laws

§ 22-42-6. Possession of marijuana prohibited - Degrees according to amount. No person may knowingly possess marijuana. It is a Class 1 misdemeanor to possess two ounces of marijuana or less. It is a Class 6 felony to possess more than two ounces of marijuana but less than one-half pound of marijuana. It is a Class 5 felony to possess one-half pound but less than one pound of marijuana. It is a Class 4 felony to possess one to ten pounds of marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana. A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a violation of

this section not to exceed ten thousand dollars.

§ 22-42-7. Distribution of specified amounts of marijuana with and without consideration. The distribution of less than one-half ounce of marijuana without consideration is a Class 1 misdemeanor; otherwise, the distribution of one ounce or less of marijuana is a Class 6 felony. The distribution of more than one ounce but less than one-half pound of marijuana is a Class 5 felony. The distribution of one-half pound but less than one pound of marijuana is a Class 4 felony. The distribution of one pound or more of marijuana is a Class 3 felony. However, the distribution of any amount of marijuana to a minor is a Class 4 felony. A first conviction of a felony under this section shall be punished by a mandatory sentence in the state penitentiary or county jail of at least thirty days, which sentence may not be suspended. A second or subsequent conviction of a felony under this section shall be punished by a mandatory sentence of at least one year. Conviction of a Class 1 misdemeanor under this section shall be punished by a mandatory sentence in county jail of not less than fifteen days, which sentence may not be suspended. A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a felony violation of this section not to exceed ten thousand dollars.

§ 22-42-8. Obtaining possession of controlled substance by theft, misrepresentation, forgery or fraud. Any person who knowingly obtains possession of a controlled drug or substance by theft, misrepresentation, forgery, fraud, deception, or subterfuge is guilty of a Class 4 felony.

§ 22-42-9. Manufacture, distribution or possession of equipment for making counterfeit controlled substance as felony. Any person who knowingly makes, distributes or possesses any punch, die, plate, or other thing designed to print or reproduce the trademark, trade name or other identifying mark of another on any drug, or container or label thereof so as to make such drug a counterfeit controlled drug or substance is guilty of a Class 5 felony.

§ 22-42-10. Keeping place for use or sale of controlled substances as felony. Any person who keeps or maintains a place which is resorted to by persons using controlled drugs and substances for the purpose of using such substances, or which is used for the keeping or selling of such substances, is guilty of a Class 5 felony.

§ 22-42-11. Inhabiting room where controlled substances illegally stored or used as misdemeanor. Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of a Class 1 misdemeanor.

§ 22-42A-3. Use or possession of drug paraphernalia as misdemeanor. No person, knowing the drug related nature of the object, may use or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow,

harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body any controlled substance or marijuana in violation of this chapter. Any person who violates any provision of this section is guilty of a Class 2 misdemeanor.

§ 22-42A-4. Delivery of drug paraphernalia as felony. No person, knowing the drug related nature of the object, may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or marijuana in violation of this chapter. Any person who violates any provision of this section is guilty of a Class 6 felony.

§ 32-12-52.3. Revocation for drug-related offenses. Upon a first conviction or a first adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, 22-42A-3 or 22-42A-4, the court shall revoke the driver license or driving privilege of the person so convicted for a period of one hundred eighty days. Upon a second or subsequent conviction or a second or subsequent adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, 22-42A-3 or 22-42A-4, the court shall revoke the driver license or driving privilege of the person so convicted for a period of one year or until the person's seventeenth birthday, whichever is a longer period of time. For any offense under this section, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment, attendance at school, or counseling programs. Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of any conviction or adjudication of delinquency for a violation, while in a motor vehicle, of §§ 22-42-5 to 22-42-11, inclusive, 22-42A-3 or 22-42A-4. The period of revocation shall begin on the date the person's revoked driver license is received by the court or the department. At the expiration of the revocation period, a person may make application as provided by law and shall pay the license fee prescribed in § 32-12-47.1.

§ 32-12-52.4. Suspension for certain alcohol-related offenses by a minor. Upon a first conviction or a first adjudication of delinquency for violation of § 35-9-2 while in a motor vehicle, the court shall suspend the driver license or driving privilege of any driver of a vehicle who was under the age of twenty-one when the offense occurred, for a period of six months. Upon a second or subsequent conviction or a second or subsequent adjudication of delinquency for violation of § 35-9-2 while in a motor vehicle, the court shall suspend the driver license or driving privilege of any driver of a vehicle who was under the age of twenty-one when the offense occurred, for a period of one year. For any

offense under this section, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.

Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Commerce and Regulation of any conviction or adjudication for a violation, while in a motor vehicle, of § 35-9-2 or chapter 32-23. The period of suspension shall begin on the date the person's suspended driver license is received by the court or the Department of Commerce and Regulation. At the expiration of the period of suspension, a person may make application to have the license reinstated and pay the license fee as prescribed in § 32-12-47.1.

§ 32-23-21. Under-twenty-one driver - Violations warranting suspension of license - Notification of Department of Commerce and Regulation - Discretionary court order. It is a Class 2 misdemeanor for any person under the age of twenty-one years to drive, operate, or be in actual physical control of any motor vehicle:

- (1) If there is physical evidence of 0.02 percent or more by weight of alcohol in the person's blood as shown by chemical analysis of the person's breath, blood, or other bodily substance; or
- (2) After having consumed marijuana or any controlled drug or substance for as long as physical evidence of the consumption remains present in the person's body. If a person is found guilty of a violation of this section, the unified judicial system shall notify the Department of Commerce and Regulation. Upon conviction, the court shall suspend that person's driver's license or operating privilege for a period of six months for a first offense or one year for any second or subsequent offense. However, the court may, in its discretion, issue an order permitting the person to operate a motor vehicle during the hours and days of the week set forth in the order for purposes of the person's employment, attendance at school, or attendance at court-ordered counseling programs.

§ 35-9-2. Purchase, possession or consumption of beverage by minor as misdemeanor - Misrepresentation of age. It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase, attempt to purchase or possess or consume alcoholic beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.

§ 35-9-7. Driver's license suspension or restriction for certain violations. If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the suspension of the person's driving privileges for a period not less than thirty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's

employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in some other manner as the court may see fit for a period not to exceed one year. If the conviction or adjudication for a violation of § 35-9-1.1 or 35-9-2 is for a second or subsequent offense, the court shall, in addition to any other penalty allowed by law, order the suspension of the person's driving privileges for a period not less than sixty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in some other manner as the court may see fit for a period not to exceed one year.

§ 35-9-8. Driver's license revocation for certain violations. If the conviction or adjudication for a violation of § 35-9-1 is for a first offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than thirty days and not to exceed one year. However, the court may issue an order permitting the person to operate a motor vehicle for purposes of the person's employment or attendance at school or to court-ordered counseling programs during the hours of the day and the days of the week set forth in the order. The court may also restrict the privilege in such manner as it sees fit for a period not to exceed one year. If the conviction or adjudication for a violation of § 35-9-1 is for a second or subsequent offense, the court shall, in addition to any other penalty allowed by law, order the revocation of the defendant's driving privileges for a period not less than sixty days and not to exceed one year.

B. Opinions

1. Existing law on under age drinking and drug use is comprehensive.

C. Recommendations

1. None

VI. Treatment System

A. Existing treatment services by the Division of Alcohol and Drug Abuse

1. Early Intervention

- a) Screening activities
- b) Alcohol and drug assessment services
- c) Crisis counseling services
- d) Referral services

2. Treatment Services

- a) Outpatient Treatment Services: provides individual, group and family counseling for individuals who have completed a structured treatment program; there are 19 agencies in the State that are accredited to provide this level of care for adolescents; for those agencies that have contracts with the Division for outpatient services/aftercare services, there is a 6-month curriculum developed by the Division that must be followed; during FY02, there were a total of 25,458 hours of service purchased by the Division for adolescents and adults in the State.
- b) Intensive Outpatient Treatment: placement in this level of care is based on ASAM placement criteria; there must be a minimum of 9 hours per week of services provided. These services can include individual, group and family sessions; discharge from this level of care is based on ASAM criteria, which reflects an individual progress or lack of progress in programming; there are 17 programs in the State accredited to provide this level of care for adolescents; in FY02, there were 32,630 hours of services provided by accredited programs to juveniles in the State.
- c) Day Treatment: also referred to as partial hospitalization: clients are placed in this level of care based on ASAM criteria; must provide 20 hours of alcohol and drug services per week. This includes group, individual, family sessions, didactic lectures and continued care planning; individual can both live at home and attend therapy programming, or if the home environment is not stable, housed at an alternate facility and attend programming; there are 6 programs in the State accredited to provide this level of care for adults; during FY02, there were a total of 13,775 days of services provided to adults and adolescents.
- d) Level III Medically Monitored Inpatient Treatment Program for Adolescents: referred to as inpatient treatment services; placement and continued stay in these levels of care is based on ASAM criteria; client is housed in facility for 24 hours a day. Adults will receive a combination of clinical services for a minimum of 30 hours per week; adolescents will receive a combination of clinical services for up to a minimum of 15 hours per week. They attend school while in this level of care; there are 7 programs in the State accredited to provide this level of care for adolescents; during FY02, a total of 792 adolescents received this level of care for a total of 26,317 days of services.
- e) Level III.1 Clinically Managed Low Intensity Residential Treatment Program also called a halfway house: must provide a minimum of five hours of services per week; goal of this program is to help them find a job, work on relapse issues, find a place to live and help them reintegrate into the community; there is one program in the State providing this level of service for adolescents; in FY02, 12 adolescents received this level of care for a total of 328 days.

3. Specialized Programs

- a) Specialized Relapse Program for Adolescents: this is a medically monitored level of care, which focuses on the prevention of relapse triggers in adolescents; restricted to juveniles under the custody of DOC; maximum length of stay 14 days; strong case management component; can treat up to 50 juveniles per year; program operated by Our Home Inc, Huron
- b) Specialized Program for Pregnant Teens: a combination of medically monitored and low intensity programming for pregnant teens under the age of 18; length of stay varies. Typically a teen will enter the program when 4 months pregnant and stay 3 months post delivery; newborn stays with mother while in this program; besides alcohol and drug issues, there is a heavy focus on educational, vocational, parenting and emotional psychological issues; Turning Point operates program and currently there are 8 beds at this site.
- c) Substance Abuse treatment programs within the Juvenile Correctional Facility provide: prevention, outpatient treatment services and intensive outpatient services to all adolescents based on individual need and correctional program focus. In FY02 a total of 527 juveniles received chemical dependency assessments and 311 completed some level of treatment. Services provided by programs include:
 - 1) Patrick Henry Brady Boot Camp: prevention services, outpatient treatment services and intensive outpatient treatment.
 - 2) Living Center A: outpatient treatment services and intensive outpatient treatment.
 - 3) Living Center B: outpatient treatment services.
 - 4) QUEST: outpatient treatment services and intensive outpatient treatment.
 - 5) ExCEL: prevention services; referral services to other levels of programming (Intensive Inpatient) or community-based programs are also provided on the basis of individual need.

B. Opinions

- 1. There is a comprehensive system of care for the majority of adolescents in the State.
- 2. Current treatment efforts are not as effective with youth who abuse methamphetamines as with other drugs of abuse.

C. Recommendations

- 1. Develop a prevention and treatment continuum that targets youth who use methamphetamines.